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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,337	07/01/2002	Tatsuya Inokuchi		2869

530 7590 03/07/2007
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

KIM, JUNG W

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/088,337

Applicant(s)

INOKUCHI ET AL.

Examiner

Jung Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-85 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 76-78, 80-83 and 85 is/are rejected.
7) ☒ Claim(s) 79 and 84 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to the amendment filed on 1/16/07.
2. Claims 76-85 are pending.
3. Claims 76-85 are new.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 76-78, 80-83 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. USPN 5,754,648 (hereinafter Ryan) in view of Mages et al. USPN 6,035,329. (hereinafter Mages)
6. As per claims 81-83 and 85, Ryan discloses a system for reproducing audio data, comprising:
 - a. a data player for reproducing the audio data from a recording medium;
(col. 12:64-13:10)
 - b. a user identification module connected to the data player; wherein the user identification module contains module identification data uniquely identifying the user identification module and user identification data uniquely identifying a user; (13:11-15)

- c. the system mutually authenticates the data player and the user identification module; (13:48-57; 14:12-27)
 - d. the data player reads the audio data from the recording medium and compares module identification data buried in the read audio data with the module identification data in the user identification module; (13:58-14:60)
 - e. wherein if the compared module identification data is coincident, the data player reproduces the audio data; (14:50-60)
 - f. wherein the data player loads the recording medium into the data player and the user designates the audio data to be reproduced from the recording medium; (10:56-66)
 - g. wherein the data player detects the module identification data buried in the audio data; (13:63-65)
 - h. wherein the user identification module contains right-of-listening data for transfer to the data player when billing for reproducing of the audio data. (6:16-22)
7. Further Ryan discloses that when the compared module identification data is not coincident, i.e. the recording medium is not for rent but for sale, the data player is enabled to play the prerecorded program material. Col. 4:1-5. Ryan does not expressly disclose if the compared module identification data is not coincident, the data player detects a reproduction rule buried in the read audio data and reproduces the audio data in accordance with the reproduction rule. However, it is well established in the art at the time of invention that reproduction rules are conventionally embedded into DVDs, and

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reproduction of the content is dependent on the embedded reproduction rules. For example, Mages discloses each DVD conventionally includes a country code, which represents the country of manufacture of the DVD. If the DVD player does not have the same country code, the DVD player's software will prevent it from playing the DVD.

Col. 2:14-22. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the data player to detect a reproduction rule buried in the read audio data and reproduce the audio data in accordance with the reproduction rule if the compared module identification data is not coincident. One would be motivated to do so to ensure illegal copying and pirating of the videos on the DVD. Mages, col. 2:20-22.

8. Finally, although Ryan does not expressly disclose the user identification module is connected to the data player via a cable, it is well known in the art to use a cable as a connector between a card and a data player. Data players have standardized ports that typically require an adapter to form an attachment bridge between the connector of a card and the port of the player. Moreover, a cable enables greater ease in attaching a card to a data player. See for example, Mages, figure 5. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the user identification module to be connected to the data player via a cable for greater ease in attaching the card to data player. The aforementioned cover the limitations of claims 81-83 and 85.

9. As per claims 76-78 and 80, they are claims corresponding to claims 81-83 and 85, and they do not teach or define above the information claimed in claims 81-83 and 85. Therefore, claims 76-78 and 80 are rejected as being unpatentable over Ryan in view of Mages for the same reasons set forth in the rejections of claims 81-83 and 85.

Allowable Subject Matter

10. Claims 79 and 84 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Communications Inquiry

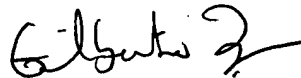
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jk
March 3, 2007



GILBERTO BARRON JR.
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